

REMARKS

Claims 1-15 are all the claim pending in the present application¹.

In summary, the Examiner has maintained the previous prior art rejections. Specifically, claims 1-6 and 8 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gopinathan (US Patent No. 5,819,226) and Mockett (US 2001/0034702)². Finally, claims 7 and 9-15 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gopinathan and Mockett and further in view of Hassett (US Patent No. 6,653,946).

§ 103(a) Rejections (Gopinathan / Mockett) – Claims 1-6 and-8

Claims 1-6 and 8 are rejected based on the same reasons set forth in the previous Office Action, and the Examiner adds supplemental arguments in the *Response to Arguments* section of the current Office Action.

With respect to claim 1, Applicant previously argued that neither Gopinathan and Mockett satisfies claim 1 based on the reasons set forth in pages 2-4 of the previously filed Response. *See pages 2-4 of Response dated March 6, 2009.* In response, the Examiner presents supplemental arguments as set forth in the *Response of Arguments* section of the Office Action.

As explained below, Applicants respectfully submit that there are some arguments of the Examiner that are confounding.

In the previous Response, Applicants submitted, in part, that the applied references do not disclose or suggest an “apparatus” and all of its attendant limitations (see, e.g., claim 1).

¹ The claims are amended as indicated herein for clarification purposes only, and the amendments should not necessitate further search and/or additional consideration.

² The Examiner mistakenly indicates that claims 1-8 are rejected over Gopinathan and Mockett.

In response, the Examiner re-asserts that Mockett, in its entirety, corresponds to the claimed apparatus. Further, the Examiner asserts that, "one cannot show non-obviousness by attacking references individually where, as here, the rejections are based on combinations of references."

In response, Applicants submit that the Examiner still has not shown where either of the applied references, including Mockett, discloses or suggests an apparatus comprising:

"communication means for transmitting and receiving information among said communication means, a server of a credit card firm, and a server owned by a settling financial institution which settles a charge requested from said credit card firm;
processing means for executing a comparison process as to both credit card charge historical information issued from said credit card firm and balance account information saved in said settling financial institution, said credit card charge historical information being contained in the transmission and reception information of said communication means; and
output means for outputting comparison result information based upon the comparison process result by the processing means."

According to Applicants' understanding, the above-quoted limitations are nowhere shown as part of an apparatus in the applied references, including Mockett. Furthermore, Applicants submit that they were not attacking the references individually, but were merely responding to the Examiner's allegations about the alleged teachings of Mockett.

Yet further, first, in the Response to Arguments (page 10, third paragraph of Office Action), the Examiner cites the description of Gopinathan at col. 1, lines 20-26. As pointed out by the Examiner, Gopinathan teaches that the principals may apply to bank ATM cards in place of credit cards. However, if the principals were applied to the bank ATM cards, it might be necessary to communicate with the bank but unnecessary to communicate with the server of a credit card company. Therefore, prior art references do not teach or suggest communicating with

both the server of a credit card firm and a server owned by a settling financial institution, and executing the comparison process as claimed.

Second, Applicants submit that it appears that the Examiner does not distinguish among the credit cards, bank ATM cards and the telephone calling cards.

Postpay cards such as credit cards can be used regardless of the balance of a settling financial institution, but the use of the cards is stopped if the charge cannot be withdrawn on a settlement,

As described in the summary section of the specification, the ETC (Electronic Toll Collection System) card is inserted in an on-vehicle device mounted in the vehicle and is used for authentication via communication with a roadside apparatus. The charges are settled based on the charges on the credit card. If the charges can not be withdrawn from the credit card, the credit card and also the ETC card are invalidated. In this instance, when a user assumes that the credit card is valid or the user does not confirm the balance of the account, the user cannot become aware of the invalidity of the credit card, which may result in the ETC gate not opening and the vehicle may crash into the gate.

According to exemplary embodiments of the present invention, credit cards charge historical information, balance account information are compared, and comparison results are output (e.g., outputting warning prior to the impossibility of the settlement), such that it is possible to prevent the above-mentioned accident.

In view of the bank ATM card cited by the Examiner, the balance of an account or the history of account activity can be confirmed, but the charges which will be settled by the postpay cards can not be confirmed. Also, since the telephone calling card is generally a prepaid card, only the remaining amount can be confirmed.

That is, the cards cited by the Examiner can disclose only the available balance, which is not a card by which the credit card charge historical information (i.e., the amount of charge having been already utilized but unsettled) can be obtained.

An exemplary object of the present invention can be to warn the user prior to an invalidation of a card such as ETC cards (which may cause trouble), rather than merely confirming the balance of the account or the remaining prepaid amount.

Therefore, at least based on the foregoing as well as the previously submitted arguments, Applicants maintain that claim 1 is not obvious over the combination of Gopinathan and Mockett.

Applicants maintain that dependent claims 2-6 and 8 are patentable at least by virtue of their indirect or direct dependencies from independent claim 1.

With respect to dependent claim 3, Applicants previously argued that the applied references, either alone or in combination, do not disclose or suggest at least, "taste information extracting means for extracting taste information of a user based upon shop use historical information, facilities use historical information, or shopping historical information, which are contained in the credit card charge historical information," as recited in claim 3. *See page 5 of March 6 Response.*

In the current Office Action, with respect to claim 3, the Examiner simply repeats the features set forth in claim 3, however nowhere does the Examiner demonstrate that the specific feature of claim 3 is set forth in Gopinathan or the other applied reference. Furthermore, in the *Response to Arguments* section of the current Office Action, the Examiner does not provide any further recitations or arguments to support his allegation that the features of claim 3 are satisfied. Accordingly, Applicants respectfully maintain that the applied references, alone or in combination, do not disclose or suggest at least the specific features of claim 3.

§ 103(a) Rejections (Gopinathan / Mockett / Hassett) – Claims 7 and 9-15

Claims 7 and 9-15 are rejected based on the same reasons set forth in the previous Office Action.

Applicants submit that claims 7 and 9-15 are patentable at least by virtue of their indirect or direct dependencies from independent claim 1. Hassett does not make up for the deficiencies of the other applied references.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

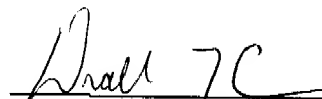
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